

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHN RUFFINO and MARTHA RUFFINO,)	
Husband and Wife,)	
)	
Plaintiffs,)	Civil Action No.: 3:17-cv-00725
)	
v.)	Jury Demand
)	
DR. CLARK ARCHER and HCA HEALTH)	Judge Campbell
SERVICES OF TENNESSEE, INC. d/b/a)	Magistrate Judge Newbern
STONECREST MEDICAL CENTER,)	
)	
Defendants.)	

PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION IN LIMINE #3

In their Motion in Limine #3 ("Motion"), the Defendant seeks an order limiting the Plaintiffs' claims by precluding the Plaintiffs from presenting any evidence or argument that tPA can be safely administered past 4.5 hours. The ostensible support for this Motion is Rule 401 and 402.¹

The Defendant's argument that insufficient evidence supports one or more of Plaintiffs' claims may only be advanced through dispositive motions procedures and protections of Rule 56. *See Louzon v. Ford Motor Co.*, 718 F.3d 556, 561 (6th Cir. 2013). The Motion should be denied because it is an improper attempt to have the Court dispose of substantive allegations/claims in the case through a motion in limine. *See Id.*

¹ These rules have no logical connection to the relief sought. Clearly, evidence that tPA could be administered safely beyond 4.5 hours would be relevant to the issues in this case.

RESPECTFULLY SUBMITTED,

s/ Mark Hammervold

Brian Cummings, #19354

Cummings Law

4235 Hillsboro Pike, #300

Nashville, TN 37215

Phone: 615-800-6822

Fax: 615-815-1876

brian@cummingsinjurylaw.com

Mark Hammervold, #31147

Hammervold, PLC

315 Deaderick Street, Suite 1550

Nashville, TN 37238

(615) 928-2466 (phone)

(615) 928-2264 (fax)

mark@hammervoldlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that I served all parties in this matter through counsel of record listed below with the foregoing by CM/ECF on December 21, 2018:

James E. Looper, Jr.
Hall Booth Smith, PC
Fifth Third Center
424 Church Street, Suite 2950
Nashville, TN 37219
(615) 313-9911 (phone)
(615) 313-8008 (fax)
jlooper@hallboothsmith.com

Counsel for the Defendant
Dr. Clark Archer

s/ Mark Hammervold

Mark Hammervold